

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA

v.

STEPHEN WAYNE CORMACK,

Defendant

CRIMINAL NO. ELH-19-0450

MOTION FOR LEAVE TO FILE OUT OF TIME
GOVERNMENT’S MOTIONS IN LIMINE

Comes now the United States of America, by and through undersigned counsel, and moves for leave to file out of time the Government’s Omnibus Motions *in Limine*, and states the following:

1. On September 19, 2019, the Grand Jury for the United States District Court for the District of Maryland returned the Indictment against defendant Stephen Wayne Cormack (the “Defendant”) in this case, charging one count of Possession of Child Pornography, in violation of 18 U.S.C. § 2252A(a)(5)(B).

2. On November 20, 2020, the Court entered a scheduling order setting the following schedule for pretrial motions and for trial:

- Defense motions and motions in limine are due by the close of business on **February 26, 2021**.
- The government’s opposition to defense motions, and responses to any motions in limine, are due by the close of business on **March 19, 2021**.
- Joint proposed voir dire, joint proposed jury instructions, and a joint proposed verdict sheet are due by the close of business on **March 26, 2021**.
- Replies to the motions, if any, are due by the close of business on **April 9, 2021**.
- A motions hearing has been scheduled for **May 14, 2021 at 10:00 a.m., followed by a pretrial conference**.

- Trial (jury, 5 days) shall commence on **June 21, 2021**. Counsel are directed to report to Chambers at **9:45 a.m.** on that date.

3. On April 29, 2021, the Grand Jury returned a Superseding Indictment adding two counts of Receipt of Child Pornography in violation of 18 U.S.C. § 2252A(a)(2) and a special allegation regarding the Defendant's prior conviction for a sex offense committed against children.

4. On May 21, 2021, the Court conducted a hearing on the Defendant's pretrial motion and set a new date for the pretrial conference, June 4, 2021.

5. On May 28, 2021, the Government filed the following motions *in limine* in a single omnibus filing: (1) Motion to Admit Evidence of Other Crimes; (2) Motion to Exclude Evidence and Argument Regarding Punishment; (3) Motion to Admit Public Records, Business Records, and Electronic Data as Self-Authenticating; and (4) Motion to Admit Trade Inscriptions and Labels on Electronic Devices as Self-Authenticating.

6. The Government requests leave to file the foregoing motions *in limine* beyond the deadline prescribed by the Court. At the time they were due to be filed under the Court's scheduling order, the Government did not intend to file any motions *in limine*. The Government reconsidered the matter after the Superseding Indictment was filed and while preparing its evidence for presentation at trial, and determined that it would be preferable to obtain pretrial rulings that particular categories of evidence is admissible. The Government submits that each of the motions *in limine* is a brief motion that is commonly filed by the Government in various types of criminal cases. The motions *in limine* do not present any novel or fact-intensive issues that will require an extensive hearing. With the exception of the motion to exclude information regarding punishment, the motions *in limine* do not seek to exclude any evidence and request only pretrial rulings that particular evidence is admissible. The Government submits that pretrial

consideration of any disputed matters arising from the motions *in limine* will help avoid any unnecessary interruptions in the presentation of disputed evidence at trial.

7. It should be noted that some of the evidence at issue in the motions *in limine* was not acquired until after the deadline for motions *in limine* had passed. The timekeeping records it seeks to admit did not become relevant until after the Superseding Indictment added charges that the Defendant received child pornography on particular dates in time. The Government did not acquire these records until May 13, 2021.

8. Finally, after filing of the Superseding Indictment and reconsidering whether to file motions *in limine*, deadlines and court proceedings in this matter and several other matters prevented undersigned counsel from filing the motions *in limine* until May 28, 2019.

9. The motions *in limine* are submitted in advance of the pretrial conference and in far enough advance of trial for the Defendant to determine whether he will oppose any of the motions and, if so, to file any written response. Thus, the late filing will not prejudice the Defendant.

WHEREFORE, the Government respectfully requests leave to file the Government's Motions *in Limine* after the deadline provided in the scheduling order.

Respectfully submitted,

Jonathan F. Lenzner
Acting United States Attorney

/s/
Matthew J. Maddox
Assistant United States Attorney

CERTIFICATE OF SERVICE

This is to certify on this 1st day of June, 2021, that a copy of the foregoing Motion for Leave to File Out of Time Government's Motions *in Limine* was electronically filed with notice to counsel of record.

/s/

Matthew J. Maddox
Assistant United States Attorney

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA

v.

STEPHEN WAYNE CORMACK,

Defendant

CRIMINAL NO. ELH-19-0450

ORDER

For good cause shown upon motion of the United States of America, this _____ day of June, 2021, by the United States District Court for the District of Maryland, it is hereby

ORDERED that the Government's Motion for Leave to File Out of Time Government's Motions *in Limine* is GRANTED.

THE HONORABLE ELLEN L. HOLLANDER
UNITED STATES DISTRICT JUDGE